

**MEMORANDUM**

TO: D.C. Zoning Commission

FROM: Jennifer Steingasser, Deputy Director Development Review & Historical Preservation

DATE: November 26, 2012

SUBJECT: **Final Report** on Zoning Commission Case No. 12-07, a Proposed Zoning Map Amendment to Establish Initial Zoning on Square 0323 and a Related Text Amendment to the Zoning Regulations

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends** that the Zoning Commission establish initial zoning of Downtown Development District overlay (DD)/ Central Business (C-4) District on Lot 800, Square 0323, and Parcels 1, 2 and 3 being part of Squares 349 and 350, federal property that is the site of the Old Post Office Building at 1100 Pennsylvania Avenue NW.

Approval of a related a text amendment is also recommended to add the above-referenced properties to the list of properties subject to §§1700 Downtown Development District provisions.

II. BACKGROUND

The General Services Administration (GSA) is currently in negotiations with a preferred developer on long-term lease of the building and site for major private business redevelopment. Because the property will no longer be used for a federal public building or use, and will shift to a private business, the property is subject to zoning. Until zoning has been designated for this site, no building permit or certificate of occupancy can be issued for this private redevelopment;

11 DCMR §3202.1 states:

Except as provided in §§ 3202.5, 3202.7, or 3202.8, a building permit shall not be issued for the proposed erection, construction, conversion, or alteration of any structure unless that structure complies with the provisions of this title.

11 DCMR §106.7 states:

No building permit or certificate of occupancy shall be issued nor proceeding instituted before the Board of Zoning Adjustment, nor shall any property in private ownership be used for any purpose until after the Zoning Commission has designated zoning for the property.

11 DCMR §106.4 states:

Properties owned by the Government of the United States and used for or intended to be used for a Federal public building or use and properties owned by the Government of the District of Columbia in the Central Area (as set forth in D.C. Official Code § 2-1004(c) (formerly codified at D.C. Code § 1-2004(c) (1999 Repl.)), are not included in any zone district.

The anticipated redevelopment would be for private business use including office, retail and hotel components.

Prior to the advertised public hearing on October 22, 2012, OP filed a supplemental report dated September 24, 2012, requesting the Commission: postpone of the hearing to the next available date;



and waive of the posting requirement of § 3015.5 along the Pennsylvania Avenue frontage of the site. A representative of the property requested the waiver due to federal regulations that restricted posting on federal property. The Commission granted the waiver and the public hearing was rescheduled to December 6, 2012.

III. ZONING

The Office of Planning recommends that the property be mapped in the DD/C-4 zone district.

The C-4 district is a high density commercial district that may be appropriate for property in the central business district of the city, designated for high density land use in the current Comprehensive Plan Future Land Use Map. The DD overlay is an overlay district applicable to specified properties in the downtown. Establishing zoning on the subject properties as proposed involves both a map and a text amendment:

- Amending the official Zoning Map to indicate DD/C-4 on the subject properties; and
- Amending the following provisions of § 1700.1 Downtown Development Overlay District (DD) to include the subject properties (addition in **BOLD** and underlined):

“1700.1 The Downtown Development (DD) Overlay District is applied to the core of the Downtown area, including subareas identified in the Comprehensive Plan as the Downtown Shopping District (Retail Core), the Arts District, Gallery Place, Chinatown, Pennsylvania Quarter, Convention Center, and Mount Vernon Square, and areas designated for historic preservation and housing mixed use, which areas overlap geographically with the subareas. The boundaries of the DD Overlay District **as originally approved** are indicated in Map A, filed in Zoning Commission Case No. 89-25 which may be viewed at the D.C. Office of Zoning. **This map does not include Square 0323, lot 800 and Parcels 1, 2 and 3 on Squares 349 and 350, properties which previously were under Federal control.** All street locations in this overlay district are in Northwest Washington.”

IV. ANALYSIS

This unzoned lot on Square 0323 is developed with a single building developed with 389,000 square feet of floor area, equal to a floor area ratio (FAR) of 6.3, to a height of 135 feet with a bell tower that reaches an approximate height of 315 feet.¹ The anticipated redevelopment of this site would include office, retail and office components. Similarly developed properties north of Pennsylvania Avenue are in DD/C-4 and DD/C-5 districts.

The Central Business (C-4) District is designed to contain residential and mixed uses developed to a high-density. Office, retail and hotel uses are allowed in this district as a matter of right to a maximum allowable FAR of 8.5 and height of 130 feet², and to a 10.5 FAR and 130 feet through an approved planned unit development (PUD).

The C-5 (PAD) District is located directly across Pennsylvania Avenue; however, C-5 is limited to the north side of avenue, consistent with the goals and mandates of the US Congress in the Pennsylvania Avenue Development Corporation Act of 1972.

The DD Overlay District is applicable to subareas identified in the DC Comprehensive Plan including the Downtown Shopping District (Retail Core), the Pennsylvania Quarter and historic preservation areas which may overlap. It is intended to help accomplish Comprehensive Plan land use and development policies related to the affected Downtown sectors. The most important include

¹ Heights taken from the 1972 National Register nomination form

² In accordance with § 770.7, the 130-foot height is allowed because the property the abutting Pennsylvania Avenue NW right-of-way is wider than 100 feet.

creation of a balanced mix of uses by means of incentives and requirements for critically important land uses identified in Plan including retail, *hotel*, residential, entertainment, arts, and cultural uses; guidance and regulation of *office* development which is traditionally favored by market forces over the other desired uses; the *protection of historic buildings* and places while permitting sensitive and compatible new development subject to the historic preservation review process of the Historic Landmark and Historic District Protection Act of 1978; and design guidance so new construction will generally be consistent with the urban design, street orientation and design, and historic preservation policies of the Downtown Plan Element.

The site is currently developed with a historic landmark, the Old Post Office and annex. The existing site development would conform to the allowable lot occupancy and FAR in the C-4 district, but would exceed the maximum height allowed as a matter of right by 5 feet.³ Provisions of the DD overlay district would also provide guidance for additional office development, encourage the provision of the appropriate amount of cultural and arts uses.

Based on this analysis, the appropriate zone to accommodate the existing and desired mix of retail, cultural, service, and hotel development is a C-4 district with the DD overlay district.

V. COMPREHENSIVE PLAN

The Comprehensive Plan Future Land Use Map designates the subject properties south of Pennsylvania Avenue as "Federal", which includes land and facilities owned, occupied and used by the federal government (excluding parks and open space). The "Federal" category generally denotes ownership rather than use. Uses generally found under this designation include military bases, federal government buildings, the International Chancery Center and similar federal government activities (refer to Exhibit 2).

Squares immediately north of Pennsylvania Avenue are designated High Density Commercial which is used to define the Central Employment Area and other major office employment centers on the downtown perimeter. It is characterized by office and mixed office/retail buildings greater than eight stories in height, although many lower scale buildings (including historic buildings) are scattered about. The corresponding zone districts include C-4.

The Comprehensive Plan Policy Map shows the subject property and most of the downtown in the Central Employment Area which continues to be the business and retail heart of the District. It hosts the widest variety of commercial uses, including but not limited to major government and corporate offices; retail, cultural, and entertainment uses; and *hotels*, restaurants, and other hospitality uses (refer to Exhibit 3).

The fact that federally-owned lands are not identified as either in a Neighborhood Conservation Area, Neighborhood Enhancement Area, or Land Use Change Area on the Generalized Policy Map does not mean these lands are exempt from the policies of the Comprehensive Plan should they transfer to private use or that the Comprehensive Plan assumes that they will always remain static.

The Plan also provides the following additional guidance:

- **Policy LU-J.J.3: Central Employment Area (CEA):** The CEA shall include existing "core" federal facilities such as the US Capitol Building, the White House, and the Supreme Court, and most of the legislative, judicial, and executive administrative headquarters of the United States Government. Additionally, the CEA shall include the greatest concentration of the city's private office development, and *higher density mixed land uses, including commercial/retail, hotel, residential, and entertainment uses*. Given federally-imposed height limits, the scarcity of vacant land in the core of the city, and the importance of protecting historic resources, the CEA may include additional land necessary to support economic growth and

³ In accordance with § 2405.3, the Zoning Commission could allow a 5% increase in the allowable FAR or height for a PUD.

federal expansion. The CEA may be used to guide the District's economic development initiatives, and may be incorporated in its planning and building standards (for example, parking requirements) to reinforce urban character.... [304.8].

- **Policy L U-1.1.4: *Appropriate Uses in the CEA*:** Ensure that land within the Central Employment Area is used in a manner which reflects the area's national importance, its historic and cultural significance, and its role as the center of the metropolitan region. *Federal siting guidelines and District zoning regulations should promote the use of this area with high-value land uses that enhance its image as the seat of the national government and the center of the District of Columbia, and that make the most efficient possible use of its transportation facilities* [304.9].
- **Policy LU-J.1.6: *Central Employment Area Historic Resources*:** Preserve the scale and character of the Central Employment Area's historic resources, including the streets, vistas, and public spaces of the L'Enfant and McMillan Plans as well as individual historic structures and sites. Future development must be sensitive to the area's historic character and should enhance important reminders of the city's past [304.12].
- **Policy LU-1.2.2: *Mix of Uses on Large Sites*** Ensure that the mix of new uses on large redeveloped sites is compatible with adjacent uses and provides benefits to surrounding neighborhoods and to the city as a whole. The particular mix of uses on any given site should be generally indicated on the Comprehensive Plan Future Land Use Map and more fully described in the Comprehensive Plan Area Elements. *Zoning on such sites should be compatible with adjacent uses* [305.7].
- **Policy L U-1.2. 7: *Protecting Existing Assets on Large Sites*:** Identify and protect existing assets such as *historic buildings, historic site plan elements*, important vistas, and major landscape elements as large sites are redeveloped [305.12].
- **Policy LU-1.2.3: *Federal Sites*:** *Work closely with the federal government on re-use planning for those federal lands where a change of use may take place in the future.* Even where such properties will remain in federal use, the impacts of new activities on trips generated, and to reduce household expenses on transportation by providing options for "car-free" (or one car) living [306.3].
- **Policy LU-3.5.3 *Recognition of Local Planning and Zoning Regulations*:** Encourage the federal government to abide by local planning and zoning regulations to the maximum extent feasible [318.8].

Additional guidance is provided in the Central Washington Area Element:

- **Action CW- 1.1.D: *Focused Planning for "Catalytic" Sites*:** Develop detailed plans for "catalytic" sites with the potential to significantly shape the future of Central Washington. These sites include but are not limited to ... the *old Post Office on Pennsylvania Avenue NW*, *Old Naval Observatory Hill*, and the area around the *Kennedy Center* [1608.26].
- **Policy CW-1.2.2: *Preservation of Central Washington's Historic Resources*:** Protect and enhance Central Washington's historic resources by continuing the current practices of:
 - a. Preserving the area's historic buildings and districts;
 - b. Requiring that renovation and new construction is sensitive to the character of historic buildings and districts;
 - c. Applying design incentives and requirements to encourage preservation, adaptive reuse, and appropriate relationships between historic development and new construction;

- d. Encouraging the adaptive reuse of historic and architecturally significant buildings;
and
- e. Preserving the original L'Enfant Plan pattern of streets and alleys, especially alleys that provide for off-street loading, deliveries, and garage access.

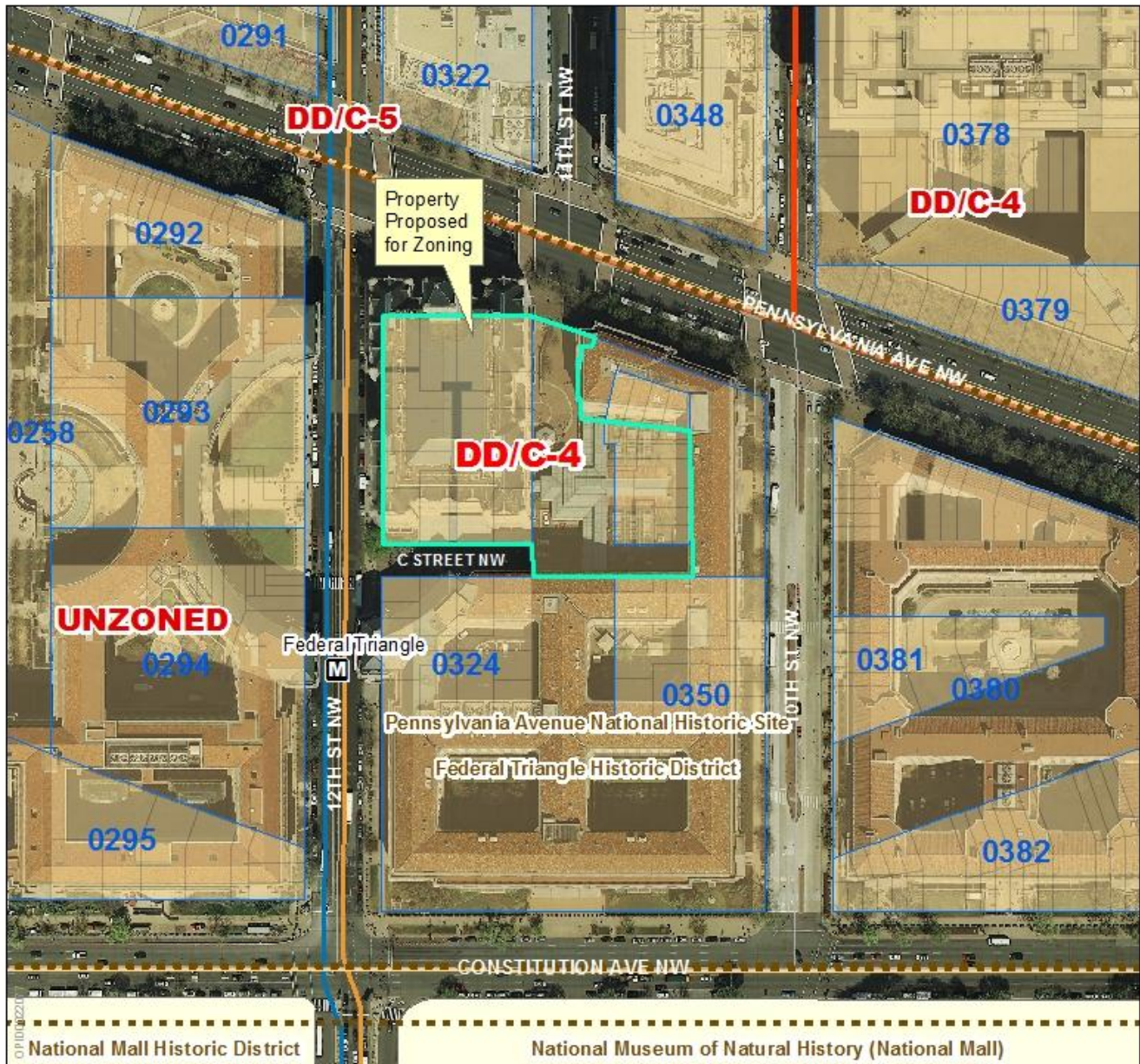
Historic resources should be recognized as essential to Downtown's economic vitality and competitive edge, particularly for retail, tourist, and entertainment activities [1609.2].

VI. RECOMMENDATION

Zoning the subject properties C-4 with the DD overlay would support the referenced land use designations, Comprehensive Plan guidance for future development of historic properties in the Downtown and would be consistent with the Comprehensive Plan objectives for the Central Employment Area and Gallery Place subarea.

Establishing the proposed zoning as prescribed for compatible mixed-use redevelopment of the subject properties would, therefore, not be inconsistent with the current Comprehensive Plan.

JS/afj
Arthur Jackson, Case Manager



Zoning Commission Application No. 12-07 1100 Pennsylvania Avenue NW



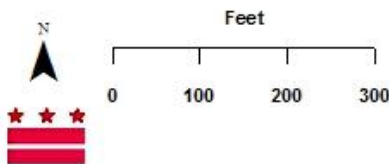
Government of the District of Columbia
Office of Planning ~ June 21, 2012

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- Metro Stations
- Metro Bus Routes
- Blue Line
- Orange Line
- Property Squares
- Street Centerlines
- Water

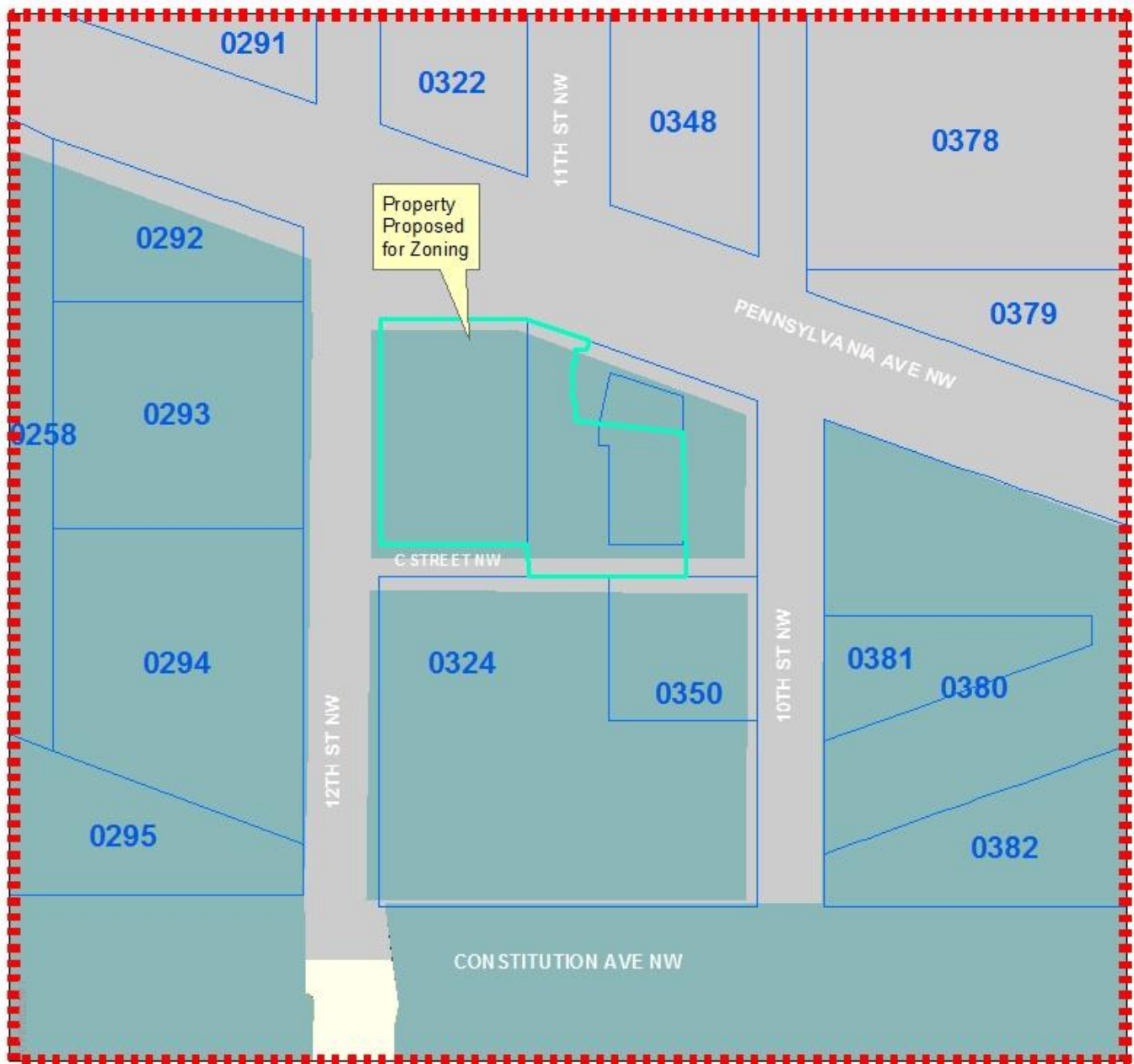


Zoning Commission Application No. 12-07 Comprehensive Plan Future Land Use Designations



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- Property Squares
- Commercial-High Density (CHD)
- Federal (FED)
- Parks, Recreation, and Open Space (PROS)
- Street Centerlines
- Water



Zoning Commission Application No. 12-07
1100 Pennsylvania Avenue NW



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Legend

- Property Squares
- Selection from Compl Plan Policy polygons**
- Type**
- Central Employment Area
- Federal Lands
- Central Washington
- Parks
- Neighborhood Conservation Areas